

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JEFFREY JOSEPH BRANHAM,

Defendant.

CASE NO. 2:23-cr-00100-LK

PROTECTIVE ORDER
RESTRAINING CERTAIN
FORFEITABLE PROPERTY

This matter comes before the Court on the Government's Motion for a Protective Order Restraining Certain Forfeitable Property. Dkt. No. 22. Mr. Branham has not responded to or otherwise opposed the motion. This case is currently scheduled for trial on March 18, 2024. Dkt. No. 28 at 3.

The Government seeks a protective order to maintain custody, pursuant to 21 U.S.C. § 853(e)(1)(A) and 18 U.S.C. § 982(a)(1), of the following property (the "Subject Firearms"):

- a. One Ruger SR9c 9mm pistol and any associated ammunition (the "Ruger"), seized on or about May 10, 2023, from Mr. Branham's person; and

- b. One Kimber 9mm pistol and any associated ammunition (the “Kimber”), seized on or about May 10, 2023, from Mr. Branham’s vehicle.

The Court, having reviewed the filings in this matter, including the Government’s Motion and the supporting Declaration of Federal Bureau of Investigation Special Agent Shawna McCann, Dkt. No. 23, hereby FINDS that entry of a protective order restraining the Subject Firearms is appropriate because:

- The United States gave notice of its intent to pursue forfeiture in the Indictment returned on June 14, 2023 (Dkt. No. 1 at 3–4);
- Based on the facts set forth in the Declaration of Special Agent Shawna McCann, Dkt. No. 23, there is probable cause to believe the Subject Firearms may, upon Mr. Branham’s conviction, be forfeited in this case;¹ and,
- To ensure the Subject Firearms remain available for forfeiture, their continued restraint pursuant to 21 U.S.C. § 853(e)(1) is appropriate.

NOW, THEREFORE, THE COURT ORDERS:

1. The Government’s motion for a protective order restraining the Subject Firearms pending the conclusion of this case, Dkt. No. 22, is GRANTED; and,

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¹ Specifically, in the month after investigators observed Defendant engage in what appeared to be hand-to-hand drug transactions and after undercover investigators purchased 12 blue “M30” pills, suspected to contain fentanyl, from Defendant, officers searched Defendant and found the Ruger 9mm pistol in Defendant’s waistband and controlled substances on Defendant’s person. Dkt. No. 23 at 4–6. Investigators also searched a BMW that Defendant was observed driving and seized the Kimber 9mm pistol, along with magazines and ammunition, an additional loaded magazine for the Ruger, and additional blue M30 pills, suspected to contain fentanyl, among other drugs. *Id.* at 6. Based on her experience, Federal Bureau of Investigation Special Agent Shawna McCann avers that drug traffickers commonly use firearms to facilitate their drug trafficking, to protect themselves during drug deals, and to protect their drugs and their trafficking proceeds. *Id.* at 7. Based on her experience and the facts of this case, she attests (and the Court agrees) that there is probable cause to believe Defendant possessed the Subject Firearms to facilitate his “Possession of a Controlled Substance with Intent to Distribute, as charged in Counts 2 and 4 of the Indictment,” and “Carrying a Firearm During and In Relation to a Drug Trafficking Crime, as charged in Count 3 of the Indictment.” *Id.*

